

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID IVEY,

Petitioner,

vs.

ROBERT HOUSTON,

Respondent.

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8:06cv702

MEMORANDUM AND ORDER

Citing grounds related to exhaustion of judicial remedies, the respondent has moved for dismissal, without prejudice, of the Petition for Writ of Habeas Corpus filed by the petitioner, David Ivey. The respondent served his Motion to Dismiss on the petitioner at the Omaha Correctional Center, which is the last known address in the court's records provided by the petitioner. However, mail from the court addressed to the petitioner at that address has been returned to the court as undeliverable (filing no. 4), and the website maintained by the Nebraska Department of Correctional Services ("DCS") shows that the petitioner has been discharged from DCS custody.

By December 27, 2007, the respondent, the Director of DCS, is requested to report to the court whatever information is in DCS possession regarding a forwarding address for the petitioner. In addition, the Clerk of Court shall mail a copy of this Order to the petitioner at the petitioner's last known address in the court's records with the notation "please forward" on the outside of the envelope. If he receives this Order, the petitioner shall inform the court in writing of his current address, and he shall state in writing whether or not he intends to proceed with this case. Otherwise, the court will wait until January 29, 2007, and then will dismiss the case.

SO ORDERED.

DATED this 11th day of December, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge